

## **MINING AND RECLAMATION ADVISORY BOARD (BOARD)**

**Thursday, July 12, 2012  
Ebensburg, PA  
Cambria District Mining Office**

**Voting Members/Alternates:** Jack Chamberlin (Member), Terry Dayton (Alternate), George Ellis (Member), Duane Feagley (Alternate), Josie Gaskey (Alternate), Mark Killar (Alternate), Darrel Lewis (Alternate), David Osikowicz (Member), Burt Waite (Member)

**Other Attendees:** Bill Allen (DEP), Bruce Carl (DEP), James Charowsky (DEP), Malcolm Crittenden (DEP), Kevin Eaton (DEP), Dan Sammarco (DEP), Mike Terretti (DEP), Chris Yeakle (DEP)

### **Meeting Called to Order**

David Osikowicz served as chair for this meeting and called the meeting to order at approximately 10:00 AM. He welcomed everyone and asked that they introduce themselves.

### **Adoption of Minutes**

Minutes from the regular Board meeting on April 26 and the special Board meeting on May 12, 2012 were presented and approved without comment.

### **Correspondence**

A letter was sent to the Secretary of Environmental Protection summarizing the MRAB's special meeting held in May.

### **Committee Reports**

#### Policy

No Report

#### Reclamation

No Report

#### Regulation, Legislation and Technical

No Report

## **Reclamation in Lieu of Civil Penalties**

Mr. Terretti gave a brief overview of the program. He explained that the program was never discontinued but is currently underutilized. Several in attendance shared personal stories in regard to use of the program.

Mr. Terretti gave the Board members information about what he required when approving proposals related to reclamation in lieu of civil penalties.

Mr. Allen explained that there are two guidance documents available relating to this matter.

## **Cambria DMO ABS/PBF Report**

An update was given on the reclamation of twenty forfeited sites within the Cambria District Office's jurisdiction. Mr. Crittenden gave an overview of the procedures involved in contracting reclamation of forfeited sites.

## **Regulatory Update**

The public comment period has ended for the Coal Fees package with no comments received. Both fee packages will go to the Environmental Quality Board for approval at the July meeting.

The Bureau of Mining Programs is working on three items for the Regulatory Agenda. These include water supply replacement for surface mines, remining, and OSM program consistency.

The Board moved that they should be involved in the reworking of the regulations. A motion was made and carried with the suggestion from the Board that the sooner their involvement begins, the better.

## **NPDES Permitting**

Mr. Allen gave an update on the ongoing situation with EPA on the effluent issue related to permitting. He said that progress is being made between the two entities.

The Bureau is currently working on a guidance document to address these issues.

## **ABS Legacy Trust Account**

Three more fully funded trusts have been added to the program for a total of 113. One trust with a payment plan of 3 million a year for 8 years was added. 293,000 dollars will be transferred from the Reclamation Fee O&M trust account into the ABS Legacy Trust. The Reclamation Fee O&M Trust earned approximately 10,000 dollars in interest and 293,000 dollars in civil penalties for fiscal year 2011. The balance of the ABS Legacy Trust Account was at 5,674,432 dollars

## **Land Maintenance Financial Guarantee**

Mr. Allen gave an overview of the program and a breakdown of its fees and requirements. He stated that this program has only been utilized twice since its inception.

## **Conventional Bonding for Land Reclamation TGD**

The Board was updated on the status of this technical guidance document. The hope is to do away with the annual bond review. The bond amount will be based on inflation. The draft will hopefully be published with a 30 day comment period in August. The goal is to have the final done around October or November.

## **2011 Reclamation and Remining Incentives Report**

The Board was updated on the status of this report. A draft was circulated for comment at the April meeting. Comments were incorporated into appendix A. It has been submitted to the legislature.

## **Bond Rate Guidelines**

The Board was presented updated information about the guidelines. Two additional projects were added into the computations.

## **New Business**

Mr. Terretti discussed the ePermitting program being used at the California District Mining Office. He would like to see the program expanded to all the District Offices. He has had several meetings with the other District Technical Chiefs with the intent of expanding it statewide.

He discussed the pros and cons of going to a paperless system, including whether or not documents could be altered by a computer savvy individual.

He requested that anyone with any comments have them to him by August.

Mr. Osikowicz complimented Mr. Charowsky on the mine tour he had organized. He recommended that the Board send out a letter of thanks to the operator and ARRIPA for all their good work and for taking time to share it with the Board.

## **Adjourn**

With no further questions or comments, The Chair called for the meeting to be adjourned.